



PAGE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
GENERAL DISTRICT COURTROOM
AUGUST 14, 2001
2:30 P.M.

MEMBERS PRESENT:

Allen Cubbage, Supervisor, District 3
Nora Belle Comer, Vice Chairman, District 1
Elaine Mayberry, Supervisor, District 2
Gerald Cubbage, Supervisor, District 4
Robert Good, Supervisor, District 5

ALSO PRESENT:

Dean BeLer, County Administrator
Rodger Smith, County Attorney
Geraldine Cubbage, Accountant
Billy Aleshire, Zoning Administrator
Reed Beahm, Special Project Director
Randy Kiser, VDOT Resident Engineer
Scott Sedwick, Tellurian
Donna Hoke, Administrative Assistant

CALL TO ORDER: The Chairman called the meeting to order at 2:30 p.m. The invocation was delivered by Supervisor Comer, followed by Supervisor Mayberry reciting the Pledge of Allegiance.

Adoption of agenda: The Chairman noted that he would like to enter into closed session towards the beginning of the meeting, opposed to the end of the meeting. Mr. BeLer informed the Board that he had received a communication agreement between the Town of Luray, and the County after the agenda packets had been completed and mailed. After discussion, the Board decided that they had not been given ample time to review the information. It was suggested that the item be deferred to the next meeting in September.

MOTION:

Supervisor Good moved to adopt the agenda of August 14, 2001 as Amended.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Allen Cubbage, Nora Belle Comer, and Gerald Cubbage.

NAYS: None

County Administrators comments:

Mr. BeLer addressed the Board stating that he had kept in touch with Mr. Joyce, and Mr. Sedwick over the weekend to further discuss the contractual matters concerning the landfill. The weekend also was filled with a trip to Charlottesville to attend the Local Government Officials Conference, in which Supervisors' Mayberry, Comer, and Good were also in attendance. Mr. BeLer concluded in noting that time was allotted Monday night for

parties concerned, to go over plans for the landfill presentation meeting to be held Wednesday night.

Methane Gas report:

Mr. Beahm was asked to address the Board for a brief update concerning the methane gas at Stanley Landfill, and closure issues. Mr. Beahm noted that the Phillip's were still being lodged at the hotel at the County's expense. Issues pertaining to the closure, were noted, as the Geo Synthetic portion of the cap is complete, erosion plan is ninety percent complete, and the gas extraction system is stated with the blower due for delivery on Thursday. Mr. Beahm closed in commending Tellurian for the quick work and service that they were providing at Stanley Landfill.

VDOT report:

Mr. Kiser addressed the Board to give a brief update on the rural additions on the priority list. Enclosed in the Board's packet, were the most recent additions noted in a letter dated July 31, 2001. The list contained rural county roads presently not maintained by VDOT that have been requested to be brought up to VDOT standards so VDOT can accept the road for state maintenance. Supervisors asked Mr. Kiser questions on each of their individual districts and noted their concerns. The report was concluded with a date of September 25th given to review more extensively the list at the next work session of the Board.

Closed session: 2:55 p.m.

MOTION:

Supervisor Mayberry moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal contractual matters.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Allen Cubbage, Robert Good, Gerald Cubbage, and Nora Belle Comer.

NAYS: None

Exit closed session: 4:15 p.m.

MOTION:

Supervisor Mayberry moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Gerald Cubbage, Robert Good, Allen Cubbage, and Nora Belle Comer.

NAYS: None

Certification of closed session:

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of August 14, 2001".

MOTION:Mayberry SECOND: Comer

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|-------------------|------------|------------|---------------|----------------|
| Elaine Mayberry | X | | | |
| Nora Belle Comer | X | | | |
| Gerald M. Cubbage | X | | | |
| Robert Good | X | | | |
| Allen J. Cubbage | X | | | |

Action from closed session: (attachment #1- Press release)

Chairman Allen Cubbage announced upon returning to open session, that he had a press release to share with the citizen. Chairman Allen Cubbage continued to read the press release that stated the proposed contract under consideration by Tellurian Inc., EWS and Page County has been withdrawn by EWS and Tellurian.

Building repair report:

Mr. Fox addressed the Board stating that Mr. Baughn had contacted him, but at this time does not have a report completed. Mr. Fox expects to receive later in the week, Mr. Baughn’s complete cost evaluation of the structural repairs.

CSA Supplemental Funds:

Mrs. Grinnan addressed the Board noting that information had been included in their agenda packets informing them of the need to allocate funding in order to close out the CSA fiscal year 2001. The amount of \$17,212.00 is necessary to make final payments to vendors who rendered services to Page county children during the fiscal year. Mrs. Grinnan closed in saying that the total amount needed to close out the year is approximately \$105,433.00. Of that amount, the state will pay approximately \$42,866.00 and Page County’s share is approximately \$17,212.00.

Mrs. Grinnan also noted that the agenda item placed under tab # 7 was included by mistake in the packet. The item was an agreement that is used by the Comprehensive Services for youth and families. Mr. BeLer announced that since this was an agreement with the County’s name attached, this agreement would need to be approved to form through the County Attorney, before being used again by Comprehensive Services.

Contract with Greene County: (Attachment # 2-resolution)

The Board discussed the possible contract between the County of Page, and Greene County, which would increase the income to the landfill. Mr. BeLer noted that Greene County requested consideration in lowering the average rate per ton, no requirements for fuel increase clause and an assurance that there would be no additional costs if required to use an alternate landfill.

MOTION:

Supervisor Comer moved to enter into the agreement with Greene County for solid

waste, subject to approval of review of the contract by County Attorney.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

Ayes:Elaine Mayberry, Robert Good, Allen Cabbage, Gerald Cabbage, and Nora Belle Comer.

NAYS:None

Water Quality: (attachment #3 –resolution)

After noting that all agenda material pertaining to the Water Quality had been reviewed, and that there would still be a need for the committee to research and collect data, it was the consensus of the Board to approve the resolution.

MOTION:

Supervisor Mayberry moved to approve the resolution for the Water Quality Committee.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Allen Cabbage, Robert Good, Nora Belle Comer, and Gerald Cabbage.

NAYS:None

Consent Agenda:

Approval of warrant list

Approval of financial reports

Gypsy Moth-Hiring of Coordinator

Erroneous assessment

MOTION:

Supervisor Good moved to approve the consent agenda.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Robert Good, Allen Cabbage, Gerald Cabbage, and Nora Belle Comer.

NAYS:None

Decal for property owners:

Mr. Beahm informed the Board he would be working on the most effective way to provide landfill service for residents that would only need it on their stays during the week-ends. Information will be compiled and reported back at the next meeting.

Recess: 4:35 p.m.

Reconvene: 6:35 p.m.

The Board meeting reconvened with all members present, with the Chairman reading the press release from the earlier session.

Approval of minutes:

MOTION:

Supervisor Mayberry moved to approve the minutes from June 12, 2001, June 13, 2001, June 27, 2001, July 9, 2001, July 12, 2001, July 24, 2001, And July 30, 2001 as amended.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Nora Belle Comer, Robert Good, Gerald Cubbage, and Allen Cubbage.

NAYS:None

Citizen Comments:

Mr. Ted Korth-

Mr. Korth addressed the Board informing them that he was an Attorney from Charlottesville who represented Mr. Wes Porter along with other citizens from Stanley. Ted Korth considered it a poor practice by the County to involve themselves with a company that has not abided by several laws. He closed in saying that his firm would be looking into any personal involvement by the members of the Board. He would also be challenging several issues in which the Stanley Landfill had pertaining to operations and closure.

Wes Porter-

Mr. Porter addressed that Board, stating that Mr. Korth had covered everything that was needed.

Mrs. Barbara Coulter-

Mrs. Coulter addressed the Board bringing with her a printed handout containing a survey response. It was noted that the Friends of Page Valley is an organization dedicated to preserving the natural beauty , clean air, and pure water of the valley. Mrs. Coulter stated that there are other options for Page County to deal with the trash, noting that members of the organization were most disturbed that those option have not been released to the public or discussed in detail in any public forum prior to the August 15th

Presentation. Mrs. Coulter closed in saying that it was the hope of the organization, that the Board rethink the premises underlying the proposed contract and not to sign the contract.

Doris Lansberry-

Ms. Lansberry voiced that she was glad that the proposed contract was now off the table, and especially pleased that certain members of the Board made themselves available to the citizens.

Mr. John Rodgerson-

Mr. Rodgerson addressed that Board stating that Mr. Beahm had made a mistake earlier in the meeting when he stated the soil and erosion project was ninety percent completed. Mr. Rodgerson noted that he had personally visited the landfill, and it seemed like only ten percent had been completed. Mr. Rodgerson concluded in reporting on a newspaper article that warned against applying sludge to cap off landfills, stating how dangerous that can be.

Mrs. Whitehead-

Mrs. Whitehead addressed the Board asking the members of the Board to talk to the people of the County before they start negotiating on any more issues that involve the County.

Mrs. Natalie Zuckerman-

Mrs. Zuckerman approached the Board to hand them a packet containing petitions from 1300 people, some of which also submitted comments in writing. The names represented citizens from all five districts who wished to speak out in opposition of the landfill.

Ms. JoAnn Smeltzer-

Ms. JoAnn Smeltzer wanted to thank the Board for taking the contract out of the window, and hoped that should another contract be negotiated, that the Board would listen to the citizens.

Mr. Lee McWhorter-

Mr. McWhorter addressed the Board stating that he wished that when meetings were changed, that notices could be put out sooner so that citizens could change their plans. Mr. McWhorter closed in saying that the final decision in some of these issues lays solely in the Chairmans' hands.

Ted Kelly-

Mr. Kelly opened his comments in thanking Mr. Smith for his wise and gentle guidance with the racetrack committee.

Mr. Bobby Dovel-

Mr. Dovel addressed that Board stating how dangerous things have become at the entrance to the landfill with the tracker trailer coming and going. Mr. Dovel closed in saying that the Board needs to consider this, should another proposed landfill contract be put on the table.

N & S proposal for payment:

Mr. Aleshire was asked to report on the status of the payment. Mr. Aleshire addressed that Board stating that there was no additional information at this time, but that he would be able to report back to the Board in two weeks.

November meeting date:

Mr. BeLer informed that Board the regular meeting scheduled for November will be on the same day that the Virginia Association of Counties will be concluding their meeting. Since the Board will be traveling back from that, he would suggest moving that meeting date to another time. It was the consensus of the Board to make it for the next day, Wednesday, November 14th, at 2:30 p.m.

Public Hearing: 7:15 p.m.

The Chairman opened the public hearing for application for rezoning from Mr. Wayne R. Freeze, and asked Mr. Aleshire, Zoning Administrator to read the notice for public hearing. The Chairman then continued to ask if anyone wished to speak in favor or opposition to the rezoning request.

Mr. Lee McWhorter-

Mr. McWhorter addressed the Board stating that farming is getting harder, and harder everyday, so it may make sence to allow this man to rezone to commercial. Mr. McWhorter voiced that a man should be able to do what he wants with his land, but the Board still needs to be aware of the possible consequences that rezoning may bring for the future.

Further discussion took place between Board members with Supervisor Gerald Cabbage noting that this would bring another business to Page County. Supervisor Good expressed his concerns of sticking with the goals of the Comprehensive Plan.

Due to Mr. Freeze not being present at the meeting to answer questions, it was the consensus of the Board to table the request, until Mr. Freeze was available to address certain issues.

Chairman Allen Cabbage closed the public hearing at 7:20 p.m.

MOTION:

Supervisor Good moved to table the rezoning request until the next Regular scheduled monthly meeting of the Board of Supervisors, affording Time to gather additional information to be brought back to the Board.

Supervisor Mayberry seconded. The motion was carried by a vote of 3-2.

AYES:Elaine Mayberry, Robert Good, and Nora Belle Comer.

NAYS:Allen Cabbage

Abstain:Gerald Cabbage

Supervisor Good Announced that he would have to leave the meeting at this time. (7:40 p.m.)

Supervisors Time:

Supervisor Comer-

Supervisor Comer noted that she was able to attend the Transportation Steering Committee when she was in Charlottesville over the week-end, and gathered information on the VDOT "pay and pave plan". Supervisor Comer briefly explained how the system worked, adding that the end result would keep from depleting the secondary road funds as quickly.

Supervisor Mayberry-

Supervisor Mayberry reported on the NACO and VACO meetings that she attended in July and August, in which she seats on the steering committees. She told the Board, that the underlying theme that always comes out at these education steering committee meetings, are that the state and federal mandates are not fully funded, but that they are becoming stronger all the time. Supervisor Mayberry noted that she has joined the Rural Action Caucus Committee of NACO, asking Congressman Cantor to also join, and further stating, that there are PILT, agricultural and mandate funding issues to be dealt with for rural counties. President Bush has set up a white house office on rural issues, with Ruben Beralis heading the office. Supervisor Mayberry, concluded in stating that VACO is urging the legislature to prioritize the teacher supply/demand issue, while encouraging the state to recognize school construction and debt service burdens.

Supervisor Gerald Cubbage-

Supervisor Cubbage thanked all the citizens for attending the meetings, as he voiced that he does realize that attending meetings can be hard at times.

Chairman Allen Cubbage-

Chairman Cubbage noted that he would like the lawyer who spoke earlier to be placed under the presentation item on the agenda, rather than citizen comment period.

Fair Labor Standard Act:

Mr. BeLer addressed this issue, stating that he was not ready at this time to sign off on the letter received, asking that it be deferred to the September meeting.

Action of Olver Inc. billing:

MOTION:

Supervisor Comer moved to authorize the County Administrator to Make payment in the amount of \$23,785.83 to Olver Inc. for designs, and Reports.

Supervisor Mayberry seconded. The motion was carried by a vote of 4-0.

AYES:Elaine Mayberry, Allen Cubbage, Gerald Cubbage, and Nora Belle Comer.

NAYS:None

Absent:Robert Good.

Reassessment of Real Property:

MOTION:

Supervisor Mayberry moved to approve the resolution for reassessment of Real Property.

Supervisor Comer seconded. The motion was carried by a vote of 4-0.

Ayes:Elaine Mayberry, Nora Belle Comer, Gerald Cubbage, and Allen Cubbage.

NAYS:None

Absent:Robert Good.

Closed session: 8:00 p.m.

MOTION:

Supervisor Mayberry moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing property acquisition. Supervisor Comer seconded. The motion was carried by a vote of 4-0.
AYES:Nora Belle Comer, Gerald Cubbage, Allen Cubbage, and Elaine Mayberry.
NAYS:None
ABSENT:Robert Good.

Exit closed session: 8:20 p.m.

MOTION:

Supervisor Mayberry moved the closed meeting be adjourned and the Page County Board of Supervisors convene again in open session.
Supervisor Comer seconded. The motion was carried by a vote of 4-0.
AYES:Elaine Mayberry, Allen Cubbage, Nora Belle Comer, and Gerald Cubbage.
NAYS:None
Absent:Robert Good.

Upon exiting closed session, Supervisor Mayberry also wanted it noted for the record, that legal matters were also discussed during the closed session.

No action from closed session.

Recess: 8:40

The Board recessed until the work session, scheduled to be held August 28, 2001 in the Board of Supervisors meeting room, at 2:30 p.m.

CHAIR COUNTY ADMINISTRATOR

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Created by Tessa Rasnick November 12, 2002

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